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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   SATWINDER SINGH,

10                  Petitioner,

CASE NO. C05-834-MJP-MJB

11                  v.

12                  ALBERTO GONZALES, *et al.*,

13                  Respondents.

14  
15                  ORDER OF TRANSFER TO THE  
16                  UNITED STATES COURT OF  
17                  APPEALS FOR THE NINTH  
18                  CIRCUIT AS A PETITION FOR  
19                  REVIEW

20                  The Court, having reviewed petitioner's 28 U.S.C. § 2241 habeas petition (Dkt. #1),  
21 respondents' cross-motion to dismiss (Dkt. #4), all papers and exhibits in support and in  
22 opposition to that petition and motion, the Report and Recommendation of the Honorable  
23 Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find  
24 and ORDER:

25                  (1)     The Court adopts the Report and Recommendation.  
26                  (2)     This Court is without jurisdiction to consider petitioner's challenge to his  
removal order. Accordingly, this action, including petitioner's pending motion  
for a stay of removal, is hereby TRANSFERRED to the United States Court of

1 Appeals for the Ninth Circuit as a Petition For Review pursuant to Section  
2 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13, §§ 101 and 106, 119  
3 Stat. 231 (May 11, 2005).

4 (3) The Clerk is directed to TERMINATE this case and TRANSFER all pleadings  
5 and related documents to the Ninth Circuit Court of Appeals. The Clerk shall,  
6 however, retain a copy of the Court's electronic file. The Clerk is further  
7 directed to send copies of this Order to all counsel of record, and to Judge  
8 Benton.

9 DATED this 3<sup>rd</sup> day of August, 2005.  
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14 Marsha J. Pechman  
United States District Judge  
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